



## Legislative Department Seattle City Council Memorandum

**Date:** February 27, 2014  
**To:** Committee on Housing Affordability, Human Services, and Economic Resiliency (CHAHSER)  
**From:** Sara Belz, Council Central Staff  
**Subject:** **Clerk File (CF) 313457: Appeal of Bob McCullough on the Office of Housing's (OH) denial of a Multifamily Property Tax Exemption (MFTE) application for the property located at 4742 20<sup>th</sup> Avenue Northeast**

---

On January 10, 2014, Bob McCullough filed an appeal to the City Council of OH's recent denial of his MFTE application for the property located at 4742 20<sup>th</sup> Avenue Northeast (University District). In its denial of Mr. McCullough's application, OH stated that the MFTE program requires eligible buildings to contain a minimum of four dwelling units and that Mr. McCullough's project, which is a congregate residence, fails to meet that threshold. Typical forms of congregate housing include college dormitories, nursing homes, and other facilities where residents have an assigned sleeping room but may share a kitchen, dining area or other living spaces located within the building.

On February 10, 2014, OH filed a request to supplement the record that was established when Mr. McCullough filed his appeal. In its request, OH asked that the record be expanded to include declarations by two Department of Planning and Development employees that reviewed the construction permit application for 4742 20<sup>th</sup> Avenue Northeast. A copy of OH's request to supplement the record is attached to the agenda for the March 6, 2014, CHAHSER meeting. Neither Mr. McCullough nor any other party submitted a response to OH's request.

As the Council Committee tasked with reviewing and making a recommendation to the Full Council on Mr. McCullough's appeal, CHAHSER also has the authority to decide whether OH's request to supplement the record should be granted. At its March 6, 2014, meeting, CHAHSER will be asked to make that decision. In order to meet the standard for supplementation in an MFTE appeal proceeding, the party proposing to add evidence to the record must be able to explain why the evidence was either unavailable or could not reasonably have been produced at the time OH denied the application.

The scope of CHAHSER's March 6 discussion on CF 313457 will be limited to deliberations about whether to grant OH's request to supplement the record. Councilmember Clark, in her capacity as Committee Chair, has decided to not permit oral argument on the request. A briefing and hearing on Mr. McCullough's appeal, with testimony provided by OH staff and the appellant, is scheduled to occur in CHAHSER on April 3, 2014.

Mr. McCullough's appeal is considered quasi-judicial under the Seattle Municipal Code. As Councilmembers are aware, quasi-judicial matters are subject to the Appearance of Fairness Doctrine, which prohibits ex-parte communication.